IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1112(S/S)2007

Smt. Sumitra Devi W/o late Sri Bheem Dutt Sharma,
Assistant Teacher,
Primary School, Sahastradhara,
Block Raipur, Dehradun. -----Petitioner.

Vs.

1. State of Uttarakhand through Director of,
   School Education Dehradun,
2. District Education Officer (Basic), Dehradun,
3. Addl. District Education Officer (Basic),
   Dehradun. -----Respondents.

Sri N.S. Pundir, learned Counsel for the petitioner and
Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri N.S. Pundir, learned Counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand/respondents.

The petitioner has preferred the instant writ petition challenging the transfer order dated 01.08.2007 (annexure no. 1 so far as it relates to the petitioner) passed by Addl. District Education Officer (Basic) Dehradun/ respondent no. 3, by which, the petitioner who is working as Assistant Teacher in Primary School, Sahastradhara, Block Raipur, Dehradun has been transferred to Primary School, Tungroli, Block Chakrata, Dehradun.

The petitioner has assailed the impugned transfer on various grounds, such as, the petitioner is aged about 56 years; that as per the transfer policy, if any employee has attained 55 years' of his/her age or above than 55 years and in case transfer of such employee is necessary then option should be invited from the employee concerned and thereafter the employee should be posted at one of his/her choice places; that the petitioner has already served the most dis-comfortable areas and by the impugned order she has again been transferred to most dis-comfortable area which situates 70 Kms. from the present place and the petitioner would have to walk for 6 kms. From motor head; that the petitioner is a widow lady and she has to look after her family members consisting of 4 unmarried daughters and one widow daughter-in-law as her son has also expired on 7th July 2006 and lastly that the Teachers already working in the present School have a long stay than the petitioner therefore, the petitioner does not fall under the surplus staff.

So far assailing the impugned order on the ground that the petitioner has already served in most dis-comfortable areas is concerned, in absence of pleadings in rebuttal nothing can be observed at this stage. However, considering the age of the petitioner and the Transfer Policy framed in regard thereof as also the prevailing family circumstances of the petitioner that her husband has been expired and she has to look after her family members consisting of 4 unmarried daughters, her case comes under the zone of sympathetic consideration at this juncture therefore, it is the perfect case, where an interim order can be granted.

In the forgoing circumstances, I direct the petitioner to move representation before the Addl. District Education Officer (Basic), Dehradun/respondent no. 3, raising all her grievances, within a period of one week from today. In case, the petitioner complies with the orders of this Court, the Addl. District Education Officer (Basic), Dehradun is directed to take decision on the representation of the petitioner sympathetically and pass speaking order in regard to the issues raised by the petitioner in her representation, within a period of two weeks from the date of production of a certified copy of this order alongwith the representation.

Till the representation is decided by respondent no. 3, operation of the impugned order dated 01.08.2007 (so far as it relates to the petitioner) passed by the Addl. District Education Officer, (Basic), Dehradun, shall remain stayed.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 20, 2007:
NCM: